

DAILY HERALD.

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The Herald is the official paper of the city of Los Angeles. The delinquent tax list and all other municipal notices appear only in its columns.

W. B. B. B. is the Santa Ana agent of the Herald.

Governor Stenmund, the Press and the Special Session.

In calling a special session of the Legislature to consider the irrigation question Gov. Stenmund is receiving the support of the more influential and public spirited portion of the press of California. He was largely influenced in taking this stand by a petition which was signed by more than two-thirds of the members of both houses. It is thus to be presumed that the session will be pushed to a prompt conclusion, and that the business for which it was called it will adjourn without allowing itself to be vexed with extraneous questions.

The San Francisco Post, a journal Republican in politics but often independent in its utterances, has been slow to say concerning the Governor's action.

Governor Stenmund has called the Legislature in extra session to deal with the water question. In his judgment this is the wisest act of his administration. It will meet with the approval of all disinterested citizens who comprehend the gravity of the emergency created by the astonishing decision of the State Supreme Court, that the water right of a landowner is a property right, and that the State has no right to appropriate it. It is a magazine ready to explode and scatter ruin upon every side. This evil must be arrested, and the Legislature can alone arrest it. It can provide a system of water rights for the whole State, based upon the appropriation of water for agricultural use, and so clearly defined that no controversy can arise in the future respecting them. To do this it will be necessary to compile a system of laws covering all these wants, and support them by a constitutional amendment for ever destroying the riparian theory. But the work of the Legislature cannot stop at this. The Supreme Court as now constituted is a threat against all these interests. Its decision in the Kern county case is a living and ever present danger to the people. The court must be reorganized and that decision must be reversed, and on the Legislature will devolve the duty of providing the way. As to the cooperation of the Democratic members in all this work we have no doubt. They will be impelled to it by a sense of overwhelming duty, by imperative necessity, and by that patriotic loyalty to the State which rises superior to all considerations, and which has combined to make it, in the devotion of its people, the greatest and most prosperous community on the continent.

Our orange growers made large profits last year, and that was only the beginning of what will always prove to be a highly remunerative industry. There is hardly a limit to the money that may be made from mature orange trees which have been carefully attended to and planted in localities adapted to the citrus fruits. In the case of particularly fine oranges some orchardists were paid as much as \$3.50 a box on the tree, and five boxes to the tree is a moderate estimate. With seventy trees or upwards to the acre it may be readily seen what a profit there is in orange culture. But at \$7.50 a box the profit is still immense. Of course, all soils and exposures are not suited to the cultivation of the orange, and no man should embark in the business until he has exercised ordinary intelligence in the choice of his locality. There will undoubtedly be a splendid profit from the time forward both in the vineyard and the citrus orchard, and it is hard to say which is the more attractive. Most people will be much shorter period in which they will have to wait for a return from their grape vines as compared with their orange trees.

President Cleveland might go farther and fare worse than to appoint Mr. Lloyd Tevis Secretary of the Treasury of the United States as a successor to Mr. Manning, who appears to persist in his purpose of resigning that position. Mr. Tevis, in addition to his being a staunch and influential Democrat, is a financier of acknowledged ability and standing. A Western man in the Treasury of the United States would be a change which would be hailed with pleasure from the Ohio river to the Pacific ocean.

Elsewhere appears a communication from Hon. Asa Ellis, Collector of Internal Revenue for this District, in which he takes issue with the Herald in regard to certain statements made in these columns on information furnished by Mr. L. J. Rose. We are glad to see that our late townsman materially modifies the situation and expresses himself as desirous of seeing that justice is done to our vigorous as well as to the government.

While our country papers are obliged to publish a very gratifying death rate after the name of Los Angeles they are very careful never to note the fact that many of the deaths recorded here are of people who come from the East to re-establish their health. If this element of our mortality tables were thrown out as compared with any section of the world.

The rate at which the new settlement of Monrovia is improving is one of the marvels of the day. It is safe to say that the Duarte and Azusa will share in this magical transformation with the progress of the Los Angeles & San Gabriel Valley Railway towards the East.

Good Training. Those desiring a first-class job of grain doing would do well to leave orders for O. L. Long, either at 26 or 16 North Main street, as he makes a specialty of imitation of natural woods.

Railroad Tickets Bought, sold and exchanged. Obtain our rates before purchasing. R. J. Pryke & Co., ticket brokers, No. 230 North Main St.

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Governor's Proclamation.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT,
SACRAMENTO, JULY 19, 1886.

To the Senate and Assembly of the State of California:

In my judgment an extraordinary session has arisen which renders it expedient and necessary for the public welfare that the Legislature should be called together.

The Supreme Court of the State in a recent decision announced that the riparian owners along the navigable streams in California owned the flowing waters in such streams and are entitled to the exclusive right to use the same.

The wide spread disaster which this decision threatens to the agricultural interests, and the consequent general excitement and apprehension make it proper that the legislative and executive branches of the government should meet promptly and effectually to prevent the injurious consequences which will otherwise inevitably flow from the establishment of such a rule of law by the highest court in the commonwealth.

Under the sanction of the laws and customs which prevailed in California, when it was acquired from Mexico, under the protective policy of the National and State Government, and in harmony with the climatic and physical characteristics of the country, a splendid system of irrigation has grown up since the American occupation.

The flowing waters were deemed public property and were considered as dedicated to the use of the people. The right to appropriate water for irrigation was granted by and by statute law. Most of the soil of California was public land of the United States, but Congress expressly sanctioned the custom of appropriation and distribution of water, expressly authorized it upon the public domain. The practice of irrigation was thus allowed to become general and marked the progress of the agricultural development of the State. The large part of the great valley of California and most of the southern portion of the State were in a desert condition, owing to the aridity of climate and soil. Irrigation has transformed large areas of this splendid domain into luxuriant fields, vineyards and orchards, and hundreds of millions of taxable property have been created. Many thousands of happy homes have been sprung; colonies, villages and towns have sprung up; and an intelligent and industrious population has been invited from abroad to develop the resources of the State.

The agricultural property already settled, and the future possibilities of Southern California and of the great valley, which comprises much the larger part of the arable land of the State have depended and will depend upon the ability of the people to use the waters of the State for irrigation. The majority of the Judges of the Supreme Court have announced that any riparian proprietor may obtain an injunction against any person not a riparian proprietor, to prevent him from appropriating water or using water from the stream above his land. Under this ruling the ditches and canals which are the arteries of the agricultural life of the State may be closed by writs from the courts, and that, too, upon ex parte application, without notice or warning or opportunity of being heard until after the decision has been rendered. Many such suits are now pending. Writs of injunction have been asked for, and in some cases obtained, but have not been obeyed. Should an attempt be made to enforce them and others, which are likely to issue, as apprehended, serious trouble may ensue, because the people may resist to prevent the desolation of their homes, farms, vineyards and orchards, and if they should not—if they should peacefully submit, still the injury to the State would be immeasurable. To suspend irrigation for one season would destroy thousands of homes and millions of property. Other Western and Pacific States having an arid climate similar to our own, have conformed their organic and statute law to the necessities and requirements of their condition in this regard. Manifestly that course is demanded in California. In view of these considerations, and particularly of the ruin and disaster which seem likely to flow from the enforcement of the doctrine recently announced by the Supreme Court as to water rights, it seems to me imperative that the executive and the legislature should take immediate action to confer to the people the right to a free use of the flowing waters, which is essential to their property and to the welfare of the State. Another matter of great public concern is the reorganization of the Supreme Court. The existing system has not given satisfaction and the evils are growing worse. It is cumbersome to a degree. The business is harrassed notwithstanding the creation of a Commission to assist the Judges. The plan of dividing the Court into Departments has not worked well. It leads to the necessity of hearing cases twice over. A litigant defeated before a minority of the Court appeals to the Judges in bank, and the whole must be gone over. The system is perplexing and unsatisfactory to everybody. And, furthermore, the salaries paid to the Judges of the Supreme Court are too small. Lawyers eminent in their profession cannot accept the places without making a sacrifice, which the State ought not to require. But the compensation now provided cannot be increased during the term of the present Judges. As my judgment the Court should be reorganized, the system of departments should be abolished. A Court constituted of a compact body of Judges will accomplish more. Their pay should be increased so as to secure the best talent in the State.

Now, therefore, I, George Stenmund, Governor of the State of California, desiring that an extraordinary session be called by virtue of the power in me vested by the constitution of the State, do hereby convene the Legislature to meet and assemble at the State Capitol on the 20th day of July, 1886, at 12 o'clock M. of that day, and I do hereby specify the following subjects upon which it is assembled to legislate:

First.—To propose and submit to the people of the State an amendment or amendments to Article XIV. of the Constitution of the State relative to water and water rights.

Second.—To propose and submit to the people of the State such amendment or amendments to the Constitution of the State as may be necessary or proper to secure to the people the right of appropriation, divert and use flowing water in the State for irrigation or other beneficial purposes, and so as to fully protect all such rights in the courts.

Fourth.—To repeal Section 1422 of the Civil Code.

Fifth.—To propose and submit to the people of the State an amendment or amendments to Article VI of the Constitution of the State relative to the Judicial Department, so far as it relates to the Supreme Court.

Sixth.—To enact a law to provide for submitting the Constitutional Amendments proposed to a vote of the people.

Seventh.—To provide by appropriation for the expenses of holding an election for the purpose of voting on the amendments.

DAY DISPATCHES.

MATAMOROS, Mexico, July 19.—A private express which arrived today stated that Adolpho Gonzalez, brother of the late revolutionary leader, had been killed in a battle with the Mexican army, with sixty men, leaving that Col. Francisco Cevallos had but twenty-five men with him at Ecatepec, and had left to give him battle last evening.

It was reported that they had met the combined forces of Gonzalez and Hernandez, and that the latter had been killed, leaving only a few men left in the field. Gonzalez was reported to have been killed in the battle, and his body was found in the field.

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Ontario.

EDMONTON, Alberta.—The model colony still feels it has reason to be proud of the large volume of business done here this summer. Since the middle of March, or during the past four months, the land company has sold \$127,000 worth of land, 450 acres of which were disposed of during the month of June—a record which we think few young colonies of the same age have made.

Among other improvements Mr. J. P. Armstrong, formerly of Fergus, Canada, has just completed planting to orange and lemon trees a beautiful twenty-acre ranch on Ninth street. Mr. Armstrong has shown commendable energy and excellent judgment in the arrangement of his place, which was nothing but a plain lot of brush and weeds about a month ago.

Another man who is desiring of nothing, (and who with Ontario had a thousand more like him), is Mr. Kingsley, who came here recently and purchased a lot on the corner of Euclid avenue and Eleventh street. Mr. Kingsley has simply pushed business ever since he came, and to-day is living in a nice little home, temporarily erected, as such, while he has foundation laid and is raising up a new residence, to which he has piped his beautiful crystal water from a cement reservoir which he has had built upon one corner of his place.

Our postoffice now assumes quite a new look. It is nicely located in the back part of the brick block, while in the front are two large rooms, neatly enclosed with a low redwood railing, between which is the entrance to the postoffice boxes.

Mr. Chabois, of Newmarket, Canada, is visiting his sister here, Mrs. Oakley, at the same time prospecting for mineral water.

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